

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHANNON RILEY,

Petitioner,

No. 2:09-cv-3336 JFM (HC)

vs.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis. In his application, petitioner challenges a prison disciplinary conviction that he sustained while he was incarcerated at California Correctional Institution in Tehachapi, California. Petitioner is now confined at Salinas Valley State Prison in Soledad, California.

By the instant action, petitioner challenges a prison administrative decision; consequently, the instant petition is one for review of the execution of a sentence imposed by a California state court. See White v. Lambert, 370 F.3d 1002, 1010-11 (9th Cir. 2004). As a general rule, “[t]he proper forum to challenge the execution of a sentence is the district where the prisoner is confined.” Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Petitioner is

1 incarcerated at Salinas Valley State Prison in Soledad, California. Soledad is in the County of
2 Monterey, which lies in the Northern District of California. See 28 U.S.C. § 84(a). In the
3 interest of justice, this court may transfer this action “to any other district where it might have
4 been brought.” 28 U.S.C. § 1404(a). Therefore, this action will be transferred to the United
5 States District Court for the Northern District of California.

6 In accordance with the above, IT IS HEREBY ORDERED that:

7 1. This court has not ruled on petitioner’s motions to proceed in forma pauperis,
8 for appointment of counsel, or for evidentiary hearing; and

9 2. This matter is transferred to the United States District Court for the Northern
10 District of California. 28 U.S.C. § 2241(d); 28 U.S.C. § 1406(a).

11 DATED: January 6, 2010.

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14 UNITED STATES MAGISTRATE JUDGE

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